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Attorneys for Plaintiff Byrna Technologies, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BYRNA TECHNOLOGIES, INC., a Delaware corporation,

Plaintiff,

vs.

DUKE DEFENSE USA, INC., a Delaware corporation; BOUGIEFIT, LLC, a Nevada limited liability company; ZYN APPAREL, a Delaware limited liability company; REILLY SCHUELER, an individual; BENJAMIN M. FLAM; an individual; JONATHAN COBB SANDERS, an individual; RANDALL CLIFTON, an individual; DENI STRAHL, an individual; BRAD THOMAS, an individual; APRIL WOODWARD, an individual; and TYLER AKIN, an individual,

Defendants.

Case No.: 2:21-cv-01559-APG-NJK

STIPULATION AND ORDER EXTENDING THE:

- (1) TEMPORARY RESTRAINING ORDER AS TO DEFENDANT FLAM; AND**
- (2) TIME FOR DEFENDANT FLAM TO RESPOND TO ECF NO. 14**

(FIFTH REQUEST)

1 Plaintiff Byrna Technologies, Inc. (“Byrna” or “Plaintiff”), by and through its undersigned
2 counsel, and Defendant Benjamin M. Flam, *pro se*, hereby stipulate and agree as follows:

3 1. Plaintiff filed a Complaint and Request for Injunctive Relief (ECF No. 1) and a Motion
4 for Temporary Restraining Order (ECF No. 6) on August 23, 2021.

5 2. Defendant Flam was personally served with the Summons, Complaint, Motion for
6 Temporary Restraining Order, and Temporary Restraining Order on August 24, 2021. Plaintiff filed its
7 Motion for Preliminary Injunction on August 24, 2021. ECF No. 14.

8 3. On August 30, 2021, Plaintiff and Defendant Flam stipulated to extend the time for
9 Defendant Flam to file his responses to Plaintiff’s Complaint, and Plaintiff’s Motion for Preliminary
10 Injunction to October 13, 2021. ECF No. 21.

11 4. Defendant Flam filed a Motion to Dismiss in response to Plaintiff’s Complaint on
12 September 28, 2021. ECF No. 29.

13 5. On October 12, 2021, Plaintiff and Defendant Flam notified the Court that they are
14 currently engaged in discussions which may resolve Plaintiff’s claims against Defendant Flam, and
15 required additional time to determine whether they will be able to reach agreement. Plaintiff and
16 Defendant Flam stipulated to extend the time for Defendant Flam to file his response to Plaintiff’s
17 Motion for Preliminary Injunction to October 20, 2021 and that Plaintiff would have until October 27,
18 2021 to file its Reply in support of its Motion for Preliminary Injunction. ECF No. 41 (“Second
19 Stipulation”).

20 6. On October 18, 2021, Plaintiff and Defendant Flam notified the Court that they were
21 still engaged in settlement discussions and needed additional time to complete those efforts. Plaintiff
22 and Defendant Flam stipulated to extend the time for Defendant Flam to file his response to Plaintiff’s
23 Motion for Preliminary Injunction to October 29, 2021 and that Plaintiff would have until November 5,
24 2021 to file its Reply in support of its Motion for Preliminary Injunction. ECF No. 41 (“Third
25 Stipulation”). The Court granted the Parties’ Third Stipulation on October 19, 2021.

26 7. On November 1, 2021, the Court granted the Parties’ fourth stipulation to extend the
27 TRO, and time for Defendant Flam to respond to the Motion for Preliminary Injunction to November 5,
28 2021. ECF No. 50.

1 8. Plaintiff's and Defendant Flam's discussions regarding a potential resolution that may
2 resolve Plaintiff's claims against Defendant Flam have continued to be productive, but require additional
3 time to determine whether they will be able to reach a final agreement. At issue currently is that
4 Defendant Flam is about to begin serving as counsel in a three-week jury trial and will have very limited
5 availability to engage in remaining settlement discussions.

6 9. Therefore, to conserve the parties' respective resources, Plaintiff and Defendant Flam
7 agree that Defendant Flam shall have an extension of time until December 3, 2021 to respond to
8 Plaintiff's Motion for Preliminary Injunction. Plaintiff and Defendant Flam further agree that Plaintiff
9 shall have until December 17, 2021 to file its Reply in support of its Motion for Preliminary Injunction.

10 10. Plaintiff and Defendant Flam further agree that the Temporary Restraining Order,
11 including any amendment or supplement thereof by the Court, shall be binding upon and remain in full
12 force and effect as to Defendant Flam, pursuant to Fed. R. Civ. P. 65(b)(2), until such time as the Court
13 rules on Plaintiff's Motion for Preliminary Injunction as it pertains to Defendant Flam.

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11. Neither this Stipulation nor the extensions provided herein shall effect the Court's ability to rule upon or grant the relief requested in Plaintiff's Motion for Preliminary Injunction as it pertains to other parties. Further, nothing in this Stipulation shall be construed as effecting the validity or effectiveness of the Preliminary Injunction as to other parties.

DATED this 5th day of November, 2021.

JACKSON LEWIS, P.C.

BENJAMIN M. FLAM

/s/ Joshua A. Sliker

/s/ Benjamin M. Flam

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Defendant Pro Se

*Attorneys for Plaintiff
Byrna Technologies, Inc.*

ORDER

IT IS SO ORDERED.


United States District Court Judge

Dated: November 8, 2021

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jackson Lewis P.C. and that on this 5th day of November, 2021, I caused a true and correct copy of the foregoing **STIPULATION AND ORDER EXTENDING THE: (1) TEMPORARY RESTRAINING ORDER AS TO DEFENDANT FLAM; AND (2) TIME FOR DEFENDANT FLAM TO RESPOND TO ECF NO. 14 (FIFTH REQUEST)** to be served via U.S. Mail and/or electronic mail to:

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/s/ Kelley Chandler

Employee of Jackson Lewis P.C.